
(1997) 05 J&K CK 0016
In the Jammu And Kashmir High Court
Case No : OWP. 1317/1986

Joginder Singh :Ravinder Kumar

APPELLANT

Vs

State of J&K & Ors.

RESPONDENT

Date of Decision : 19-05-1997

Acts Referred:

Constitution of India, 1950 — Article 226

Citation : (1997) KashLJ 290

Hon'ble Judges : B.A.Nazki, J

Bench : Single Bench

Advocate : H.Rehman, Ashok Parihar, Advocates appearing for the Parties

Judgement

1. Common questions of law and fact have been raised in these petitions, therefore, they are decided by a common judgement.

2. Case of the petitioners is that on 25.11.1981 respondent Public Service Commission issued notification No. 12 of 1981 by which applications

were invited for making appointment to the posts of Block Development Officer's. According to the petitioners, they were eligible in terms of the

criteria laid down in the notification and they submitted their application forms. No selection was made and no tests were conducted but on

21031984 an other notification came to be issued by the Public Service Commission being Notification No. PSC/EX81/31. By this notification

applications were invited to the Combined Competitive Examinations for appointment to the different posts in the Combined Services.

3. The case of the petitioners is that in pursuance to the first notification no selection has been made till date and when second notification was

issued, selection was made to different services including the service to which petitioners have applied in pursuance to the first notification.

4. By first notification, posts of Block Development Officers had to be filled UH. While making selections in pursuance to the second notification, the Government appointed Block Development Officer, whose selection has been challenged is these writ petitions.
5. The controversy is short as to whether respondents were bound to make selection after the notification was issued. Secondly whether by the notification dated 31031984 selection to the posts of Block Development Officers could be made.
6. The petitioners case appears to be that the recruitment of Block Development Officer's had to be made in terms of J&K Community Development (Gazetted Service) Recruitment Rules, 1377 and since this was not done, therefore, the appointment in itself is bad.
7. Counter has been filed by the State Government as well as by the Public Service Commission. It has been stated in the objections that in the year 198283, the Government decided that posts of Block Development Officers be included in general service and accordingly the Public Service Commission was requested that posts of Block Development Officers be not filledup as the available posts of Block Development Officers had been included in the Combined Services. The Government further decided to fillup all the posts in Combined Services through a competitive examination. An order was issued by the Government being Government Order No. 1285GD of 1983 dated 20081983 by which 15 services were included in the Combined Services, J&K Community Development and NES was also one of the services.
8. In the meantime two letters were addressed to the Public Service Commission, one on 15071982 and other on 04101982 by which specific request was made to the Public Service Commission not to make the selection of Block Development Officers as the posts have been included in the Combined Services.
9. It is true that the Public Service Commission invited applications for the posts of Block Development Officers but did not at all made any selection, therefore, how could the petitioners be aggrieved.
10. Learned counsel for the petitioners are invited by the Public Service Commission, they are bound to make the selections and consequently the appointments.

11. This is settled law that even after selection made by the Public Service Commission, the Competent authority is not bound to make

appointments, and when the courts cannot compel the Competent authority to make the appointments even after selection, it is unconceivable that

courts can force the Public Service Commission to make selections after the applications have been invited.

12. In the instant case, there were special reason for the Commission not to make any selection as the employer, in the meantime, changed his

policy.

13. The first notification had been issued in the year 1981 and second notification was issued in the year 1984. These petitions have been filed in

the year 1986 and 1987. The grievance of the petitioners was that no selection has been made in pursuance to the notification of 1981. There was

no reason for the petitioners to wait for six years to file these petitions. After the selection was made, they still waited for about three years and

then they filed these writ petitions.

14. If a notification is issued inviting applications for selection and in the meantime Government decides not to fillup the posts, I do not think any

right, in between, accrued to the candidates, therefore, I do not find any merit in these petitions and the same are accordingly dismissed.

No order as to costs.